

SUSTAINABILITY INSTITUTE, ET AL v. TRUMP

2:25-CV-02152-RMG

NASHVILLE AND DAVIDSON DECLARATION

EXHIBIT 17

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

THE SUSTAINABILITY INSTITUTE, et al.,
Plaintiffs,

v.

DONALD TRUMP, in his official capacity as
President of the United States, et al.,

Defendants.

2:25-cv-02152-RMG

**DECLARATION OF CASEY HOPKINS
(Metropolitan Government of Nashville & Davidson County)**

I, CASEY HOPKINS, declare as follows:

1. This declaration is based on my knowledge, professional education and experience. I am over the age of eighteen and suffer from no legal incapacity. I submit this declaration in support of the Metropolitan Government of Nashville & Davidson County (“Nashville”), which is one of many grant recipients that has been affected by freezes on federal grant funding.

2. I am the Policy Manager in the Nashville Department of Transportation & Multimodal Infrastructure of Nashville (“NDOT”). I have served in this position since April 2024. My position is a part of the division of Communications and Policy. Before that, I began with Nashville in September of 2020, and served as the Grants Administrator in the Finance Division within NDOT. Subsequently, I was promoted to become the Grants Coordinator. Until December 2024, when the Finance Division backfilled my position, I continued to hold many of my prior responsibilities and am still available for help for the new staff.

3. In these positions, I coordinated or oversaw a wide range of federal and state grant activities, including identifying new funding opportunities; assembling and supporting the project team to create and submit grant applications; seeking vendors externally to assist on grant applications or collaborating with coworkers internally to implement grants; and managing the application process. Once the grants were awarded, I worked with project managers to ensure that the grant agreement is in place. I managed the grant schedules and the reporting goals promised in the grants. On occasion, I prepared the grant reports for the team. I worked with teams to submit federal or state reimbursements, or did so on their behalf.

4. I was involved in both of the grants at issue in this lawsuit from the grant application phase until the present. In fact, I submitted both of these grants on behalf of Nashville.

Electrify Music City: the Charging and Infrastructure Grant Program

5. Nashville has operated free or affordable electric vehicle charging stations since 2017. Many of the existing charging stations were not operating to the highest standard. For example, the U.S. Department of Energy National Electrical Vehicle Infrastructure standards state that charging infrastructures should have an annual network “uptime” (meaning they are operational and available for use) of 97%. Between April 2018 and April 2023, the average uptime for the existing infrastructure was approximately 85%.

6. In order to replace damaged charging stations and expand the number of charging stations available for Nashville residents, Nashville created its project: “Electrify Music City.” This project is intended to provide increased access to electrical vehicle charging stations and increase jobs for residents in Nashville and the surrounding region through installation and maintenance of the EV charging stations.

7. Nashville applied for a grant with the U.S. Department of Transportation (“DOT”), and Nashville matched the potential federal grant with a promise of approximately \$1.1 million. In August 2024, DOT awarded Nashville approximately \$4.7 million for our project in order to upgrade, improve, and expand our public electric vehicle charging infrastructure under the Charging and Fueling Infrastructure Grant program. A true and accurate copy of the Notice of Award is attached as Exhibit A.

8. Upon receiving notice of the Charging and Fueling Infrastructure award, Nashville immediately began the process to complete a grant agreement with the Federal Highway Administration (“FHWA”) so that it could get started on the work for the EV charging stations.

9. In September 2024, FHWA provided Nashville with draft agreements to begin filling out. We held a kickoff meeting with the FHWA in November. Nashville and FHWA exchanged drafts until late December, when the FHWA field office approved the final draft. I believe the final draft was sent to headquarters by early January. We heard nothing from FHWA or DOT about the grant except for an email in late February with a new point of contact. We have received no updates on the grant agreement at all since early January.

10. Nashville has committed to expanding and improving its electric charging infrastructure and hopes to move forward to the extent that it can with or without federal funds. However, the uncertainty and threat of losing federal funds has thrown planning and implementation of the Electrify Music City project into disarray and uncertainty. It is likely that if this uncertainty continues, the project will need to be re-evaluated and may not go forward.

11. Nashville started its procurement process with several vendors to install, repair, and improve its electric vehicle charging stations in accordance with federal procurement

requirements to accommodate the potential federal funds award. Nashville selected a vendor to purchase charging stations from and entered into a contract with this vendor, Blink Charging. Nashville now cannot guarantee that it has the federal funds to complete this project. With the uncertainty caused by the funding freezes, we have not been able to even plan with our new vendors to start this project.

12. Many of the potential vendors for electrical services, such as Stansell Electric, are local or regional businesses, who would likely hire local residents to work on these EV Charging projects. Now that the funds are frozen, residents are deprived (even if temporarily) from these projects moving forward and the related employment opportunities.

13. Nashville also incorporated the awarded funds in its Transportation Improvement Program (TIP) for the Nashville metropolitan planning area. The TIP shows that there is a need for federal funding. Uncertainty around these funds means that Nashville staff may need to take extra time and expend resources to re-evaluate the project and additional time trying to fill this budget gap. With the funds frozen, Nashville cannot properly plan or fully implement all the projects as planned.

14. Long term, if these promised funds are rescinded or eliminated, Nashville residents will be deprived of the opportunity for improved access to electric vehicle charging. Without fully implementing this program, residents will not have access to the new amenities or the benefits the project proposed. The accessibility of electric vehicle charging infrastructure not only improves the quality of life for residents who use electric vehicles but also incentivizes others to purchase electric vehicles. More electrical vehicle chargers also reduce pollution in the city that can cause medical issues for residents and that contributes to climate change and other environmental harms.

15. Metro Nashville adopted a resolution for a community-wide target of an 80% reduction for annual greenhouse gas emissions by 2050. RS2022-1358. Every action, such as encouraging electric vehicles in the community, can contribute to this goal. Defendants' freeze of Nashville's promised funds puts this goal - voted on by the Metropolitan Council – in jeopardy.

East Nashville Spokes: the Active Transportation Infrastructure Investment Program

16. Currently, the Cumberland River creates a natural barrier between East Nashville and the downtown economic hub of the city. Transit connections between these neighborhoods need improvement, particularly for residents who may not own a car. Thus, in addition to posing safety concerns, the decreased connectivity between neighborhoods has meant that some residents in Nashville struggle with access to employment opportunities just based on where they live.

17. Nashville applied for in July of 2024 and won a highly competitive approximately \$9.3 million grant for their “East Nashville Spokes” project under the Active Transportation Infrastructure Investment Program with the Department of Transportation (“USDOT”) in January 2025 to help fund a multi-modal, safe transit connection project to connect neighborhoods in the city so residents can have safer, better transit access to their jobs. The project includes protected bike lanes as well as Americans with Disabilities Act and pedestrian improvements. A true and accurate copy of the Notice of Award is attached as Exhibit B.

18. Nashville residents expect and are excited about the East Nashville Spokes project. East Nashville Spokes is a multi-year project that could transform Nashville into a more walkable, bikeable, and accessible city, and work on this project had already started when the city applied.

19. This project was so important to Nashville that it committed approximately \$7.6 million of its own funds to the project. For the past several years, Nashville conducted community engagement, planning, and designing to create a project plan to connect several neighborhoods in the city. Nashville residents even supported the project and its funding with its votes. To help fund the next several phases of the project, Nashville incorporated this project into a city-wide Transit Referendum that anticipates leveraging federal funds to bring the project to completion. The Transit Referendum passed overwhelmingly in November 2024.

20. The project includes a transit connection between a Metropolitan Development and Housing Agency (“MDHA”) community, Cayce Homes, to historic Edgefield and downtown. Downtown is not the only employment hub that would be connected to East Nashville — it will also connect neighborhoods to the East Bank, where the Tennessee Titans (Nashville’s National Football League team) stadium is being rebuilt with surrounding mixed-use development that will include residential, retail, and entertainment venues. These many connections will also bring more consumers to downtown and East Bank businesses as more residents will have easier access to storefronts. This project would provide safe, walkable or bikeable connections to these amenities.

21. After both a public press release and written notification by USDOT that Nashville won its award of approximately \$9.4 million, FHWA reached out to introduce their point of contact to execute the grant agreement process in January 2025. This was the last communication that Nashville received from USDOT nor FHWA about this project.

22. With the funds frozen, this project has languished in uncertainty. The project team is ready to move to the next phase of the project, but if funds continue to be frozen, they cannot plan, implement, or execute the project. The next steps for East Nashville Spokes would

be to receive National Environmental Policy Act final approval, finalize the design, and move towards construction by 2027.¹ Because these steps take a great deal of resources and time, the delay caused by the federal freezes has a cascading effect on future steps. For example, until the final designs are made, Nashville cannot begin its process for securing easements for the project. Nor can it begin procurement for the project, which can take many months.

23. If this uncertainty continues, Nashville staff will have to re-evaluate this project in light of the massive budget gap. At a minimum, it will delay progress and completion on the project. These delays could compound, as delayed projects often require amendment and changes to schedules.

24. This project will create jobs in the construction phase, and the federal funding freeze means that residents are deprived access to these jobs. The funding freeze means that local businesses, such as engineering firms will be deprived of work on this important project.

25. The federal government refusing to release funds on its award means that better connections across the city and safer streets, including for connections between downtown and quickly developing areas in Nashville, are not fully funded. As residents wait on this project, the transit connections that do exist are not as safe as they could be. It means residents will continue to have less access to jobs, amenities such as stores, hotels and other businesses, and connections to one another.

(signature on following page)

¹NEPA requires that certain proposed projects which implicate federal funds must undergo a review of environmental impacts created by the project and methods for mitigating such impacts, which must be approved by the relevant agency. *See* Environmental Protection Agency, *National Environmental Policy Act Review Process* (March 24, 2025), <https://www.epa.gov/nepa/national-environmental-policy-act-review-process>

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, and that this declaration was executed in Nashville, Tennessee, on this 25th day of March, 2025.



CASEY HOPKINS

Policy Manager

Nashville Department of Transportation &
Multimodal Infrastructure of Nashville

**NASHVILLE AND DAVIDSON DECLARATION
EXHIBIT 17-A**

From: [CFIAwardees](#)
To: [Patel, Neelam \(FHWA\)](#); [Tarpgaard, Sarah \(FHWA\)](#)
Cc: [Hopkins, Casey \(NDOT\)](#); [Pulley, Amos \(FHWA\)](#)
Subject: CFI: Notice of Selection for CFI Grant Award
Date: Thursday, August 29, 2024 2:28:02 PM

You don't often get email from cfiawardees@dot.gov. [Learn why this is important](#)

Attention: This email originated from a source external to Metro Government. Please exercise caution when opening any attachments or links from external sources.

Applicant Name: Metropolitan Government of Nashville-Davidson County

Application Title: Electrify MUSIC City: Municipality Upgrades for Stations and Integrated Charging

Federal Funding: \$4,694,080

Dear Selected CFI Applicant,

Congratulations! The U.S. Department of Transportation (USDOT) selected your application to receive a grant award under the Charging and Fueling Infrastructure (CFI) Discretionary Grant [Program](#).

Your selected application was originally submitted in response to the FY 2022/2023 CFI Round 1 NOFO (693JJ323NF00004) issued March 14, 2023, and has been selected under the reserved funding made available for additional awards under the CFI Round 2 NOFO. By email to USDOT, you indicated your request to be reconsidered for award under the reserved funding. Your project has been selected for award under the reserved funding and you are considered a “Round 1B” CFI awardee.

The list of 51 selected Round 1B applications is available online at:

https://www.fhwa.dot.gov/environment/cfi/grant_recipients/round_1b/. Please check the list of selected applications to ensure your application information is displayed correctly. Some projects have been selected by USDOT to receive a reduced funding amount that is less than the requested Federal share. In such cases, the project scope will be scaled accordingly in the respective grant awards.

This email is not authorization to begin work, and it does not guarantee Federal funding. For each selected project, USDOT and the selected applicant organization must establish and execute a signed, mutually agreed upon grant agreement prior to the disbursement of award funds. No costs incurred before USDOT signs and executes the grant agreement will be reimbursed.

Next Steps: The Federal Highway Administration (FHWA) is responsible for establishing and executing the CFI grant agreements with the selected applicants. You can expect to hear from your designated FHWA Point of Contact (POC) in the near future. Your designated FHWA POC will be an employee of the FHWA Division Office based in your State or the FHWA Office of Tribal Transportation. In the meantime, if you have questions about next steps, please direct them to FHWA using the email CFIAwardees@dot.gov.

Request for Applicant Points of Contact: Please reply to this email to confirm receipt and provide your organization's point(s) of contact for FHWA's use in the CFI grant award process.

Welcome Webinars: You are invited to attend the following Zoom webinars. The webinars will cover the process for executing grant agreements. The webinars will be recorded for those unable to attend. The intended audience includes the CFI selected recipients' primary POCs and the FHWA POCs. If additional people from your office should be included, please share with the appropriate people.

- CFI Round 1B Welcome Webinar One
 - Wednesday, September 11, 2024, 2:00 – 3:00pm Eastern
 - <https://usdot.zoomgov.com/j/1604060503?pwd=dSkWbG5lyjUVFB4zTm5vFkLJBDqroP.1&from=addon>; Meeting ID: 160 406 0503; Passcode: 910522
- CFI Round 1B Welcome Webinar Two
 - Thursday, September 19, 2024, 1:00-2:30pm Eastern
 - <https://usdot.zoomgov.com/j/1607563076?pwd=ZXJoECPZK7JNkTJiytnSNOxVfBI2sQ.1&from=addon>; Meeting ID: 160 756 3076; Passcode: 594740

CFI Grant Administration Documents: In the near future, FHWA will provide a CFI Grant Agreement Template for the recipient to complete in preparation for the award. The template will be discussed at the webinars listed above, and FHWA's POC will coordinate with recipients to complete their agreement template. Recipients are encouraged to review the grant terms and conditions, and grant exhibits, which are incorporated into all CFI grants by reference. The [CFI General Terms and Conditions](#) and the [CFI Exhibits](#) can be accessed on the CFI website at the bottom of the [Grant Resources](#) page. You are also encouraged to review the CFI FY 2022 and 2023 [Round 1 NOFO](#) and [Round 1 Question and Answer document](#). These documents and other resources can be found using the links on the CFI [Round 1 FY 2022 and 2023 Resources](#) page.

Statewide Transportation Improvement Program (STIP): All CFI projects are considered to be construction projects under Title 23 United States Code (U.S.C.). Accordingly, all CFI projects are subject to the requirement to be included in an approved STIP applicable to the project. CFI recipients are strongly encouraged to work with their FHWA Division Office and State DOT to ensure the CFI project is consistent with the existing STIP or begin the STIP submittal process as soon as possible. FHWA is unable to execute a CFI grant until the project is included in an approved STIP. For more information on STIP requirements in your State, please contact your local FHWA Division Office and/or State DOT.

In Closing: We ask for your patience as we work diligently toward executing grant agreements so your important work may begin. The timeline for awarding new grants vary from project to project, and may take months to process and complete.

It's exciting to see so many communities on the path to accelerating an electrified and alternative fuel transportation system that is convenient, affordable, reliable, equitable, accessible, and safe. The whole CFI Grants Program team is passionate about helping you succeed. Thank you for your commitment to electric vehicle charging and alternative fueling infrastructure. If you have questions, please direct them to FHWA using the email CFIAwardees@dot.gov.

Once again, congratulations!

	<p>Neelam R. Patel (she/her) U.S. DOT FHWA Office of Natural Environment Sustainable Transportation and Resilience Team Neelam.Patel@dot.gov https://www.fhwa.dot.gov/environment/sustainability/</p>
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NASHVILLE AND DAVIDSON DECLARATION
EXHIBIT 17-B

From: [Jackson, Jeremy \(FHWA\)](#)
To: [Hopkins, Casey \(NDOT\)](#)
Cc: [Oldham, Jason \(FHWA\)](#); [Weems, Dysha \(FHWA\)](#)
Subject: Your ATIIP Discretionary Program Grant - Metropolitan Government of Nashville-Davidson County - Jan. 15, 2025
Date: Wednesday, January 15, 2025 9:01:47 AM

You don't often get email from jeremy.jackson1@dot.gov. [Learn why this is important](#)

Attention: This email originated from a source external to Metro Government. Please exercise caution when opening any attachments or links from external sources.

Hello Casey,

I am Jeremy, Grants and Local Public Agency Program Coordinator for the Tennessee Division of the Federal Highway Administration (FHWA). Our division administers the Active Transportation Infrastructure Investment Program (ATIIP) Grant.

Congratulations on being selected as a grant recipient for a Construction Grant for your project, East Nashville Spokes. I will be your primary point of contact at FHWA.

Prior to commencing work on your grant, FHWA must execute a formal Grant Agreement with Metropolitan Government of Nashville-Davidson County outlining the terms and conditions of your ATIIP grant. It is crucial to understand that any expenditures incurred before the formal execution of this agreement by both parties will not be eligible for reimbursement.

In the weeks ahead, FHWA will share information with you about the process we will follow for development and approval of the Grant Agreement. Following an initial information exchange, I will contact you to schedule a kick-off meeting. In the meantime, if you have any questions, please feel free to contact me.

Thank you for your commitment to improving active transportation and transportation choices for all. I look forward to working with you.

Best,

Jeremy T. Jackson, PMP

Grants & Local Public Agency Program Coordinator

Cell: 629.203.0072 | Office: 615.781.5762

jeremy.jackson1@dot.gov

Federal Highway Administration | Tennessee Division

highways.dot.gov